



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240



SEP 29 2008

IN REPLY REFER TO:  
CO922(KZ)

CERTIFIED MAIL RETURN RECEIPT REQUESTED  
Certified No.

## DECISION

Gunnison County Board of County Commissioners, et. al.  
200 E. Virginia Avenue  
Gunnison, Colorado 81230

### August 14, 2008 Competitive Oil & Gas Lease Sale Protest Of Parcels COC73064 through COC73094 Is Dismissed

NOTE: Due to the high volume of protests, the official BLM protest response is posted on the BLM Colorado website, [co.blm.gov](http://co.blm.gov). This paper copy is provided to you as a courtesy. Your letter was received in our office on July 17, 2008, protesting the above named parcels offered in the August 14, 2008, Competitive Oil & Gas Lease Sale.

**Protest Point: The Resource Management Plan Amendment and current lease proposal are flawed.**

#### **Response:**

The Bureau of Land Management (BLM) analyzed an adequate range of alternatives and developed a Resource Management Plan Amendment (RMPA) based on suitable analysis, as well as on public and cooperating agency input. While there are many variations that might have been analyzed in the planning process, the BLM is only required under National Environmental Policy Act (NEPA) and the Council on Environmental Quality (CEQ) regulations to address a reasonable range of alternatives (see 40 C.F.R. § 1502). The BLM is not required to address each variation; especially those put forth after the Proposed RMPA and Final Environmental Impact Statement (FEIS) have been published. The CEQ addressed this issue as follows, "For some proposals there may be a very large or even an infinite number of reasonable alternatives. When there are potentially a very large number of alternatives, only a reasonable number of examples, covering the full spectrum of alternatives, must be analyzed and compared in the EIS." (Forty Most Asked Questions Concerning CEQ's NEPA Regulations, 46 Fed. Reg. 18,026, 18,031 (March 23, 1981)).

The range of alternatives considered throughout the planning process constituted a full and

reasonable spectrum. The range included management options ranging from the emphasizing environmental preservation (Alternative II, which considered no leasing atop the plateau and protective stipulations below the cliffs) to a development-focused alternative (Alternative V). The Proposed Action Alternative contained key environmentally protective elements of alternatives analyzed in the Draft RMPA/EIS including limiting development to ridgetops with slopes less than 20 % limiting development to 350 acres at any given time, and designation of four Areas of Critical Environmental Concern covering 21,034 acres. (See Forty Most Asked Questions Concerning CEQ's NEPA Regulations, 46 Fed. Reg. 18,026, 18,031 (March 23, 1981)). The BLM considered a broad range of analysis and public input in approving a RMPA that represents a balanced management strategy protecting resources and allowing for commodity use.

Regarding impact assessment, the BLM adequately analyzed direct, indirect and cumulative impacts to the extent that they were applicable to the resources affected and were significant as directed by 40 C.F.R. § 1508.25(a). The PRMPA/FEIS analyzes the impacts of leasing-level decisions and addresses cumulative impacts relating to such leasing, based on a reasonable projection of activities. Your protest does not provide any new and significant information not considered during the analysis of the RMPA. Further site specific NEPA analysis would be required when specific development and production activities are proposed. Such specific analyses would provide for a more thorough examination of impacts related to the development of the lease parcels and provide for the application of site-specific conditions of approval. The best management practices (BMPs) and other mitigation measures incorporated into the RMPA represent a range of methods that are proven to be effective in specific situations. At the implementation stage—e.g., preparation of master development plans for ridge-by-ridge development atop the plateau—BLM resource specialists will select the BMPs and other mitigation measures best suited to location-specific, resource-specific, and project-specific factors. Monitoring and adaptive management practices will be employed where appropriate. If development in the planning area exceeds the impacts analyzed, then the BLM would be required to produce further NEPA analysis and possibly, an amendment to the Glenwood Springs Resource Management Plan (note: the Glenwood Springs RMP was amended and supplemented in 1990 and 1999 to address issues related to oil and gas development). BLM resource management plans can be amended when new significant information becomes available or where a threshold of impacts is reached in an area.

**Protest Point: Resource Management Plan Amendment and lease proposal ignores resource and economic values**

**Response:**

The BLM adequately analyzed direct, indirect and cumulative impacts to the extent that they were applicable to the resources affected. The PRMPA/FEIS analyzes the impacts of leasing-level decisions and addresses cumulative impacts relating to such leasing, based on a reasonable projection of activities. Your protest does not provide any new and significant information not considered during the analysis of the RMPA. Further site specific NEPA analysis would be required when specific development and production activities are proposed. Such specific analyses would provide for a more thorough examination of impacts related to the development of the lease parcels and provide for the application of site-specific conditions of approval.

The best management practices (BMPs) and other mitigation measures incorporated into the RMPA represent a range of methods that are proven to be effective in specific situations. At the



implementation stage—e.g., preparation of master development plans for ridge-by-ridge development atop the plateau—BLM resource specialists will select the BMPs and other mitigation measures best suited to location-specific, resource-specific, and project-specific factors. Monitoring and adaptive management practices will be employed where appropriate. If development in the planning area exceeds the impacts analyzed, then the BLM would be required to produce further NEPA analysis and possibly, an amendment to the Glenwood Springs Resource Management Plan (note: the Glenwood Springs RMP was amended and supplemented in 1990 and 1999 to address issues related to oil and gas development). BLM resource management plans can be amended when new significant information becomes available or where a threshold of impacts is reached in an area.

**Protest Point: Resource Management Plan Amendment ignores comments from elected officials including the Governor of Colorado.**

**Response:**

The BLM involved local communities, Garfield County, and the State of Colorado extensively as cooperating agencies throughout the process leading to the final decision. Given varying perspectives, consensus among all parties was not achieved, but all concerns were addressed and incorporated to the extent practicable within the range of alternatives considered and analyzed, as required by the National Environmental Policy Act (NEPA). Indeed, the concept of phased and clustered ridgetop development atop the plateau, with a maximum of 350 acres (1 percent of the area) allowed to be in a disturbed condition at any one time—which is the cornerstone of the Resource Management Plan Amendment and final Environmental Impact Statement (PRMPA/FEIS)—was based heavily on specific input by the Colorado Department of Natural Resources (CDNR). Although the BLM acknowledges a large amount of support for protecting the top of the Roan Plateau from natural gas drilling, it is also important to note that a significant portion of the local community and other stakeholders expressed a desire to see as much production of natural gas from BLM lands in the planning area as practicable.

The Draft EIS considered a wide spectrum of alternatives based on input from concerned citizens, local communities and cooperating agencies. In the Draft EIS (DEIS), the BLM addressed an alternative (Alternative I) that would not allow oil and gas development on top of the plateau. Alternative II of the DEIS included protection of wilderness characteristics and natural values through the use of No Ground Disturbance/No Surface Occupancy (NGD/NSO) stipulations, as well as the designation of four large Areas of Critical Environmental Concern (ACECs) proposed to address visual, fish, wildlife, and plant values. Alternative III of the DEIS deferred drilling on the Upper Plateau and included mandatory protections for lands below the cliffs.

Accordingly, on behalf of the Department of the Interior, I dismiss your protest. If you have any questions about this response, contact Duane Spencer, Chief, Branch of Fluid Minerals at 303.239.3753.



C. Stephen Alfred  
Assistant Secretary  
Land and Mineral Management

cc:

State Director, Colorado State Office  
DSD, COSO Division of Energy, Lands and Minerals  
Field Office Manager, Glenwood Springs